

FILED

JAN 6 2003 *CCM*

LARRY W. PROPES, CLERK
CHARLESTON, SC

IN THE DISTRICT COURT OF THE UNITED STATES
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO.: 9:00-517
)	CIVIL NO.: 9:02-3036-08
Vs.)	
)	
STANTON D. ALLABEN)	<u>MOTION TO FILE</u>
)	<u>GOVERNMENT'S RESPONSE</u>
)	<u>OUT OF TIME</u>

The United States of America ("the government") files this motion to file the government's response to the defendant's 28 U.S.C. §2255 action, which is a motion to dismiss for lack of jurisdiction, out of time. The defendant filed this action in September of 2002. The district court issued an order requiring the government to respond by November 4, 2002. The U.S. Attorney's Office received this order, but it was never shown to the undersigned Assistant U. S. Attorney and was therefore not calendared for timely response. The undersigned Assistant U. S. Attorney was notified of this error over the Christmas holidays and immediately alerted the district court to the error by telephone conversation with office staff.

The government respectfully requests that the district court allow to be filed its motion to dismiss defendant's motion under 28 U.S.C. §2255 to vacate sentence.

Respectfully submitted,

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